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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,328	10/03/2003	Gaston S. Ormazabal	03-1506	2567
25537	7590	10/24/2007		
VERIZON PATENT MANAGEMENT GROUP 1515 N. COURTHOUSE ROAD SUITE 500 ARLINGTON, VA 22201-2909			EXAMINER HOFFMAN, BRANDON S	
			ART UNIT 2136	PAPER NUMBER
			NOTIFICATION DATE 10/24/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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mn

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/678,328	ORMAZABAL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brandon S. Hoffman	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-14 are pending in this office action.
2. Applicant's arguments, filed August 14, 2007, have been fully considered but they are not persuasive.

### *Claim Rejections*

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Claim Rejections - 35 USC § 103*

4. Claims 1-7 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClure et al. (U.S. Patent Pub. No. 2003/0195861) in view of Edmison et al. (U.S. Patent Pub. No. 2003/0115321).

Regarding claims 1, 5, and 9, McClure et al. teaches a firewall test system/method, comprising:

- A first test device located on an untrusted side of said firewall (fig. 1, ref. num 104), the first test device including:
  - A session signal generator for transmitting a communications session initiation signal using an IP address corresponding to said signal source to

establish a communications session to be conducted through said firewall (fig. 5 and paragraph 0013);

- A probe signal generator for generating test signals at a range of ports in a first side of said firewall through which media signals may be transmitted when said ports are open, said test signals including said IP address (paragraph 0130).

McClure et al. does not teach timing synchronization circuitry for synchronizing said session signal generator and said probe signal generator to at least one of another test device and a clock signal source located external to said first test device and a second test device located on a trusted side of said firewall, the second test device including: means for monitoring a second side of said firewall to detect any transmitted test signals that pass through said firewall and an analysis module for identifying any open ports that are not associated with an established communications session, which passed at least one of said transmitted test signals, as erroneously open ports.

Edmison et al. teaches timing synchronization circuitry for synchronizing said session signal generator and said probe signal generator to at least one of another test device and a clock signal source located external to said first test device (fig. 2, ref. num 42 and paragraph 0040-0041) and a second test device located on a trusted side of said firewall, the second test device including (fig. 1, ref. num 10 and 20): means for monitoring a second side of said firewall to detect any transmitted test signals that pass

through said firewall (paragraph 0040) and an analysis module for identifying any open ports that are not associated with an established communications session, which passed at least one of said transmitted test signals, as erroneously open ports (paragraph 0010).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine timing synchronization circuitry for synchronizing and an analysis module for identifying any open ports that are not associated with an established communications session, which passed at least one of said transmitted test signals, as erroneously open ports, as taught by Edmison et al., with the method/system of McClure et al. It would have been obvious for such modifications because synchronizing the times between the two test devices timestamps for accurate measurements between the two test devices and a carrier can determine performance/safety problems based on erroneously open ports.

Regarding claims 2 and 10, McClure et al. as modified by Edmison et al. teaches wherein said probe signal generator generates IP packets which include said IP address as a source address (see paragraph 0035 of McClure et al.).

Regarding claims 3 and 11, McClure et al. as modified by Edmison et al. teaches wherein said analysis module includes:

- Means for determining from at least one session initiation signal at least one port associated with the established communication session that should be open (see paragraph 0361 of McClure et al.); and
- Means for generating an error signal indicating that said at least one port associated with the established communication session is erroneously closed if a test signal is not detected passing through said port to the second side of said firewall (see fig. 3, ref. num 339 of McClure et al.).

Regarding claims 4 and 13, McClure et al. as modified by Edmison et al. teaches wherein said first test device further includes:

- An analysis module for monitoring the second side of said firewall to determine if said first test signal passed through said firewall (see fig. 3, ref. num 324, 326, and 339 of McClure et al.); and
- A report generation module for reporting a firewall error if it is determined that said first signal passed through said firewall (see paragraph 0032 of McClure et al.).

Regarding claims 6 and 7, McClure et al. as modified by Edmison et al. teaches wherein further comprising:

- Operating the [first/second] test device to communicate information identifying ports through which test signals were detected passing through said firewall from

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the [second/first] side to the [second/first] test device (see fig. 4 of McClure et al.); and

- Operating the [second/first] test device to generate a test report including information about the status of unidirectional ports used to communicate signals from the first side to the second side and unidirectional ports used to communicate signals from the second side to the first side (see fig. 2, ref. num 212 of McClure et al.).

Regarding claim 12, McClure et al. as modified by Edmison et al. teaches wherein the test signal generator of said first test device includes means for transmitting a first test signal at the first side of said network firewall from the signal source using an IP address that is not associated with any ongoing communications session being conducted through said firewall prior to said communications session initiation signal being generated (see paragraph 0034 of McClure et al.).

Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClure et al. (U.S. PG Pub. 2003/0195861) in view of Edmison et al. (U.S. PG Pub. 2003/0115321), and further in view of Read (U.S. Patent Pub. No. 2004/0028035).

Regarding claims 8 and 14, McClure et al./Edmison et al. teaches all the limitations of claims 1, 3, 5, 7, and 9. However, McClure et al./Edmison et al. does not

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teach wherein said session signal generates at least one of SIP and H.323 compliant signals.

Read teaches wherein said session signal generates at least one of SIP and H.323 compliant signals (paragraph 0094).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine using SIP or H.323 compliant signals, as taught by Read, with the method/system of McClure et al./Edmison et al. It would have been obvious for such modifications because SIP and H.323 are common signals for generating sessions between computers using TCP and UDP for transmitting voice data.

### ***Response to Arguments***

5. Applicant argues:

- a. There is no mention of a firewall in Edmison et al.; therefore there can be no testing of a firewall.
- b. There is no teaching in Edmison et al. of identifying any open ports that are not associated with said established communication session.
- c. There is no teaching in Edmison et al. of identifying any ports as erroneously open ports.



Regarding argument (a), examiner disagrees with applicant. Applicant is right in that there is no mention of a "firewall" anywhere in the cited Edmison et al. reference. However, the word firewall does not need to appear so long as there is an item that acts and behaves like a firewall present in the reference. McClure is the reference cited for actually teaching testing a firewall, as shown in figure 1. Edmison et al. has hardware that is tested (figure 1, reference number 10 and 20) and gives each received packet a certain treatment (paragraph 0040).

Regarding argument (b), examiner disagrees with applicant. Argument (b) and (c) make a one limitation – the pieces cannot be argued individually. The limitation calls for identifying open ports not associated with the current session as erroneously open ports. McClure teaches, at paragraph 0130, that TCP packets are sent to all ports and packets that get a timeout are in response to closed ports. Paragraph 0040 of Edmison et al. teaches of "in profile" and "out of profile" counts that stores the number of conforming packets and non-conforming packets, respectively. The packets are considered erroneous when they non-conform, as indicated by the count.

Regarding argument (c), examiner disagrees with applicant. This limitation is part of argument (b), and was addressed there instead.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon S. Hoffman whose telephone number is 571-272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandon Hoffman/

BH

NASSER MOAZZAMI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100



10/18/07